

Notice of Allowability

Application No.

09/712,610

Applicant(s)

LINDEBORG ET AL.

Examiner

Art Unit

Quang N. Nguyen

2141

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the Amendment filed on 07/28/2004.
2. ☐ The allowed claim(s) is/are 1,3-10,12-19 and 21-27.
3. ☒ The drawings filed on 14 November 2000 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

LE HIEN LUU
PRIMARY EXAMINER

Allowable Subject Matter

1. Claims 1, 3-10, 12-19 and 21-27 are allowed.

2. The following is an examiner's statement of reasons for allowance:

In interpreting the claims, in light of the specification and the applicant's arguments filed on 07/28/2004, the Examiner finds the claimed invention to be patentably distinct from the prior art of record.

Murthy-Bare teaches the claimed invention substantially as claimed. Murthy-Bare teaches a system and method for monitoring, enabling, or disabling ports of a multi-ports packet-based bridge including sending copies of the data packets to a specially designated monitoring port, as well as forwarding the packets to their respective destinations, as indicated by their respective destination addresses (see Murthy, Abstract and C6: L32-59). Murthy-Bare also teaches a system and method for enabling detection and correction of improperly configured loops by monitoring "hello" messages on multiple ports to detect illegal topologies (see Bare, C20: L6-20).

However, the prior art of record fails to teach or suggest individually or in combination that a system and method for ***monitoring an intra-hub communication path of a network hub to detect a first data unit on said intra-hub communication path having a destination address matching a first predetermined address, wherein said first predetermined address is a media access control layer bridge multicast address***; storing a source MAC address of said detected first data unit;

monitoring to detect a second data unit having a destination address matching said first predetermined address received at a respective one of said plurality of external communication ports; comparing a source MAC address of said second detected data unit to said stored source MAC address and **in the event that said source MAC address of said second detected data unit matches said stored source MAC address, disabling operation of said respective one of said plurality of external communication ports at which said second detected unit was received** as set forth in independent claims 1, 10 and 19.

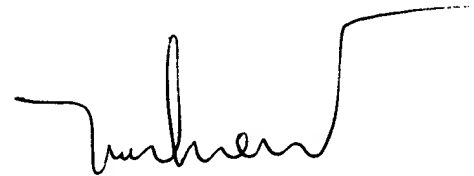
The Examiner finds the Applicant's arguments to be persuasive. The Applicant argued in substance that the prior art of record failed to teach a system and method for **"monitoring an intra-hub communication path to detect a first data unit on said intra-hub communication path having a destination address matching a first predetermined address which is a media access control layer bridge multicast address"** as recited in claim 1, wherein the "first predetermined address" does not read on a destination address that has the Broadcast/Multicast flag 21 set to a one as described by Murthy. Also, the Applicant argued in substance that Bare discloses a protocol for detecting loops, Bare relies on the specially formatted "hello" packet 500 to detect these loops and Bare's system uses the "hello" packets differently than the claimed invention uses the recited first and second data units, wherein the "hello" packet contains a source MAC address that is unique to each port, rather than the switch's MAC address (see Remarks, page 11, paragraph 03 – page 15, paragraph 02).

3. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Quang N. Nguyen whose telephone number is (703) 305-8190.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on (703) 305-4003. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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PRIMARY EXAMINER